

## Human Trafficking and Prostitution Diversion Courts: How to Adapt the Model for Your Jurisdiction

### HOW CAN COURTS IMPROVE THEIR RESPONSE TO HUMAN TRAFFICKING AND PROSTITUTION?

Jurisdictions across the country are developing new and different court-based responses to human trafficking and prostitution. Some courts have enhanced traditional case processing to improve outcomes for victim/defendants, while others have developed specialized dockets that provide comprehensive assessments, judicial monitoring, and an array of social services. Many initiatives handle juvenile delinquency cases, focusing largely on the commercial sexual exploitation of children (CSEC). Others work with adults and tackle a broader range of relevant criminal cases, such as prostitution, loitering, and drug possession. Courts even have the capacity to play the role of convener and lead local task forces that aim to foster collaboration among stakeholders and generate new responses to the problems associated with human trafficking and prostitution.

Given the differences in court structure, culture, and victim/defendant needs, there is no universally applicable model that can be applied across jurisdictions. Instead, human trafficking and prostitution diversion courts rely on a set of common strategies and goals that aim to identify and divert victims, promote interagency collaboration, and educate criminal justice practitioners on the dynamics of human trafficking and trauma.

### DEVELOPING A RESPONSE: KEY COMPONENTS OF EFFECTIVE HUMAN TRAFFICKING AND PROSTITUTION DIVERSION COURTS

1. **Case Identification and Assessment.** Once case types are flagged, research-based and gender-responsive screening instruments are used to identify victims, reveal their needs, and determine program eligibility. Planning questions include: *Who will be responsible for identifying cases and conducting a screening? What type of tool will be used? When and where will it be administered?* See the Center's publication: "[Identifying and Responding to Sex Trafficking: A Guide for the Courts](#)" for more information.
2. **Trauma-Informed Courtroom Protocols.** Judges and courtroom staff adopt practices that recognize the needs of victim/defendants, promote safety and procedural justice in the courtroom, and reduce criminal convictions and/or jail outcomes. Planning questions include: *How can the judge take a leadership role? What training is needed for*

*courtroom staff? How can courtroom communication be improved? How will cases be resolved without convictions or jail sentences?*

3. **Linking Victim/Defendants to Services.** Identified victims regardless of current trafficking status, are referred to community-based services, such as counseling, child welfare, housing, legal services, or drug treatment. Interventions should be evidence-based and trauma-informed. Planning questions include: *What community-based services are available? What is their language capacity? How will referrals be handled?*
4. **Judicial Compliance Monitoring.** Victim/defendants have regular and frequent court appearance in front of a consistent judge trained in the dynamics of human trafficking and prostitution who adheres to the principles of procedural justice. Graduated sanctions are also available to allow room for failure. Planning questions include: *How frequently will cases be calendared for compliance and who will be involved? What information is required by the court and how will it be shared by service providers? What happens if victim/defendants are non-compliant or get rearrested?*
5. **Collaboration and Capacity Building.** Criminal/juvenile justice and community stakeholders convene regularly to help build relationships, improve communication, and cultivate buy-in to support the successful implementation of any systemic changes. In addition, training needs are identified to help build the capacity of service providers to work with trafficked and prostituted individuals. Planning questions include: *How will you sustain involvement of key justice and community-based partners? What training is needed?*
6. **Evaluation and Performance Indicators.** Clear goals and realistic performance measures are established to effectively monitor the project, assess goal achievement, and identify areas for improvement. Stakeholders meet regularly to review outcomes and collaborate on midcourse adjustments if needed. Planning questions include: *What data is currently being collected and what additional data elements are needed? What metrics will be used to monitor performance and impacts?* For more information, see “A Menu of Suggested Performance Measures for Human Trafficking and Prostitution Diversion Courts.”